

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILE *ule*  
05 APR 21 PM 5 11

ROBERT R. DIAMOND  
CLERK, U.S. DIST. CT.  
W.D. OF TN, MEMPHIS

MISAEEL ROQUE-ESPINOZA,

Petitioner,

vs.

T.C. OUTLAW,

Respondent.

X  
X  
X  
X  
X  
X  
X  
X  
X  
X  
X

No. 05-2032-M1/V

ORDER DIRECTING PETITIONER TO FILE AN IN FORMA PAUPERIS AFFIDAVIT  
OR PAY THE HABEAS FILING FEE

Petitioner Misael Roque-Espinoza, Bureau of Prisons inmate registration number 13229-424, an inmate at the Federal Correctional Institution in Memphis ("FCI-Memphis"), filed a pro se petition pursuant to 28 U.S.C. § 2241 on January 13, 2005. The Clerk shall record the Respondent as FCI-Memphis warden T.C. Outlaw.<sup>1</sup>

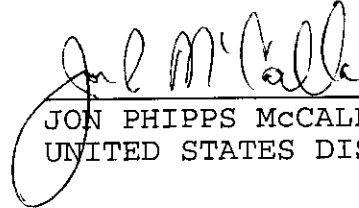
A habeas petition carries a filing fee of five dollars (\$5.00). 28 U.S.C. § 1914(a). The petition is not accompanied by either the filing fee or a motion to proceed in forma pauperis. Accordingly, Petitioner is ORDERED either to submit a properly completed in forma pauperis affidavit demonstrating his indigency, along with an inmate trust fund account statement, or pay the filing fee within thirty (30)

<sup>1</sup> Although the petition purports to name the Director of the Memphis office of the Immigration & Naturalization Service ("INS") and the INS Director of Deportation and Detention as Respondents, the INS is now the Bureau of Citizenship and Immigration Services ("BCIS"), part of the Department of Homeland Security. In order to avoid having to speculate about the identity of the proper BCIS Respondent, the clerk is ORDERED to correct the docket to remove the INS Respondents as parties to this action in light of Rumsfeld v. Padilla, 124 S. Ct. 2711, 2718 (2004).

8

days of the date of entry of this order. The Clerk is ORDERED to mail a copy of the prisoner in forma pauperis affidavit to Petitioner along with this order.<sup>2</sup> Failure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute.

IT IS SO ORDERED this 21 day of April, 2005.

  
\_\_\_\_\_  
JON PHIPPS McCALLA  
UNITED STATES DISTRICT JUDGE

---

<sup>2</sup> In the interest of expediting this matter, Petitioner is advised that, if his inmate trust fund account has a balance of at least twenty-five dollars (\$25.00), an application to proceed in forma pauperis will be denied.



## Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 2:05-CV-02032 was distributed by fax, mail, or direct printing on April 22, 2005 to the parties listed.

---

Misael Roque-Espinoza  
FCI-MEMPHIS  
13229-424  
P.O. Box 34550  
Memphis, TN 38184

Honorable Jon McCalla  
US DISTRICT COURT